IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2737 OF 2005
IN
APPEAL NO.199 OF 1997
IN
CHAMBER SUMMONS NO.134 OF 1993
IN
SUIT NO.2331 OF 1988

Nikhil J. Merchant & anr. Applicants

versus

Nirlon Synthetics Fibres and
Chemicals Ltd. and others Respondents

Mr.M.Saraf i/by Prakash & Co. for applicants.

Mr.N.Engineer for respondents.

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 22nd September 2005

PC :

1. Mentioned. Not on board.

2. Heard learned counsel for the applicants and respondents. By this Notice of Motion the applicants seek recall of the order dated 16th September 2005, whereby the above appeal has been dismissed for default.

3. Perused the Notice of Motion. Sufficient cause is made out. There is no case of inaction, negligence or lack of bona fides. Hence Notice of Motion is made absolute in terms of prayer clause (a). Place the appeal on board on 3rd October 2005.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)